

**FILED**

AUG 20 2018

Clerk, U S District Court  
District Of Montana  
Billings

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMES ANTHONY BURNS,

Defendant.

CR 18-49-BLG-SPW

ORDER

At the request of U. S. Probation,

IT IS HEREBY ORDERED that sentencing currently scheduled for Wednesday, October 17, 2018 at 1:30 p.m., is **VACATED** and reset to commence on **Monday, November 19, 2018 at 1:30 p.m.** in the James F. Battin U.S. Courthouse, Billings, Montana.

IT IS FURTHER ORDERED that,

1. The United States Probation Office shall conduct a presentence investigation and prepare a presentence report. Fed. R. Crim. P. 32(c), (d); 18 U.S.C. § 3552(a).
2. The probation officer shall disclose the completed report, except for

recommendations of the probation officer as follows: **two copies** to counsel for Defendant, and **one copy** to counsel for the government on or before **October 1, 2018**. The probation officer shall not disclose any recommendation made or to be made to the Court.

3. If restitution is mandatory, the probation officer shall discuss a payment plan with Defendant and shall make recommendations to the Court concerning interest and a payment schedule.

4. Counsel shall attempt in good faith to resolve disputes over any material in the presentence report. Unresolved objections to be relied upon at sentencing shall be presented to the probation officer on or before **October 15, 2018**. U.S.S.G. § 6A1.2. **Any unresolved objections are expected to be included in the pre-sentence report, not in a sentencing memorandum.**

5. The presentence report, in final form, including any unresolved objections, shall be delivered to the Court and the parties on or before **October 29, 2018**.

6. Sentencing memoranda and supporting documents addressing all relevant sentencing issues shall be filed on or before **November 5, 2018**. Absent good cause shown, sentencing memoranda and supporting documents filed after November 5, 2018 will not be considered in addressing sentencing issues. Failure

to timely file sentencing memoranda may result in imposition of sanctions against counsel.

7. Responses to sentencing memoranda shall be filed on or before **November 13, 2018.**

8. Reply briefs will not be accepted for filing in sentencing matters.

9. The Court will resolve objections included in the Addendum to the presentence report at the sentencing hearing in accordance with U.S.S.G. § 6A1.3.

10. All parties that intend to have witnesses testify at sentencing shall give notice to this Court ten (10) days prior to the sentencing date.

The Clerk shall forthwith notify the parties of the making of this Order.

DATED this 20<sup>th</sup> day of August, 2018.

  
SUSAN P. WATTERS  
U.S. DISTRICT JUDGE